

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Prentice Wheatley,

Civil No. 12-880 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Michelle Smith, David Paulson, Nanette
Larson, Kathy Reid, Scott Schantzen,
Sgt. Adam Murphy, Steve McCarty,
Mike McMahon, Steve Hammer, David
Reishus, and Vuthy Long,

Defendants.

This matter is before the Court upon Plaintiff Prentice Wheatley's ("Plaintiff") objections (Doc. No. 211) to Chief Magistrate Judge Arthur J. Boylan's (Ret.) January 6, 2014 Report and Recommendation (Doc. No. 205) insofar as it recommends that Defendants' motion for summary judgment be granted. Plaintiff also submitted an affidavit (including a request for dismissal of three defendants without prejudice) and a letter, both docketed on February 24, 2014. (Doc. Nos. 212 & 213.) Defendants filed a Memorandum of Law Opposing Plaintiff's Motion for Voluntary Dismissal Without Prejudice (Doc. No. 215) and an Affidavit of Jackson Evans (Doc. No. 216) on March 13, 2014. Defendants also filed a response to Plaintiff's objections to the Report and Recommendation. (Doc. No. 217.) On March 21, 2014, the Court docketed an additional letter from Plaintiff. (Doc. No. 219.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections. Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation.

Plaintiff appears to generally object to the Magistrate Judge's determination that Defendants' motion for summary judgment should be granted. (*See generally* Doc. No. 211.) Even considering Plaintiff's additional submissions, however, the Court concludes, as did Chief Magistrate Judge Boylan (Ret.), that, viewing the evidence in the light most favorable to Plaintiff, no genuine issues of material fact remain for trial. Consequently, Defendants are entitled to judgment on all claims.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Prentice Wheatley's objections (Doc. No. [211]) to Chief Magistrate Judge Arthur J. Boylan's (Ret.) January 6, 2014 Report and Recommendation are **OVERRULED**.

2. Chief Magistrate Judge Arthur J. Boylan's (Ret.) January 6, 2014 Report and Recommendation (Doc. No. [205]) is **ADOPTED**.

3. Chief Magistrate Judge Arthur J. Boylan's (Ret.) January 6, 2014 Report and Recommendation (Doc. No. [206]) is **ADOPTED**.

4. Defendants' motion for summary judgment (Doc. No. [162]) is **GRANTED** in favor of Defendants Michelle Smith, Steve Hammer, David Reishus, Scott Schantzen, Steve McCarty, Mike McMahon, Sgt. Adam Murphy, Vuthy Long, David Paulson, Nanette Larson, and Kathy Reid.

5. Plaintiff's claims against all Defendants are **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 24, 2014

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge